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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,977	04/20/2005	Philippe Roquiny	4004-068-30 NATL	5804
30448 7590 05/16/2008 AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
EXAMINER				
BLACKWELL, GWENDOLYN ANNETTE				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
05/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,977

Applicant(s)

ROQUINY, PHILIPPE

Examiner

GWENDOLYN BLACKWELL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 19-31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 19-31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 8, 2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 19-23, 25-29, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent no. 5,867,129, Sauer in view of United States Patent no. 6,356,236, Maeuser et al.

Regarding claims 1, 19-23, and 25

Sauer discloses an automobile windshield including an electrically conducting layer, which also reflects infrared radiation, (column 3, lines 5-22). The conducting layer is provided with slits (window) which is permeable to electromagnetic radiation, (column 3, lines 30-50). As the windshield meets the structural limitations of Applicant's claimed vehicle glazing, it would be expected that the related physical properties would also be present, absent an objective

showing to the contrary, meeting the limitations of claims 1, 19-23, and 25. *MPEP 2112*. Sauer does not specifically teach the use of a pattern on dots in the uncoated zone.

Macuser et al disclose a coated substrate used in vehicles that is permeable to high frequency radiation, (abstract). The coated substrate has a portion of the substrate uncoated with said coating and covered with a pattern of dots.

Sauer and Macuser et al disclose analogous inventions related to the use of a pattern of dots located in the uncoated portion of a substantially coated substrate that is used in a vehicle. It would have been obvious to one skilled in the art at the time of invention to modify the uncoated portion of Sauer with the dot patten of Macuser in order to increase the transmission of the desired range of the electromagnetic spectrum, (Macuser, column 3, lines 5-54). Absent a showing of criticality with respect to the diameter of the dots (a result effective variable), it would have been obvious to a person of ordinary skill in the art at the time of the invention to adjust the size of the diameter through routine experimentation in order to achieve a vehicle glazing structure that is permeable to the desired wavelength. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980), claims 1, 19-23, and 25.

Regarding claims 26-29, 31, and 34

The electrically conducting layer also enables the windshield to be electrically heated, (column 1, lines 16-21), meeting the limitations of claims 26-29 and 31.

The limitation of claim 34 are steps that require nothing but the knowledge of one of ordinary skill in the art to fine tune the efficiency for the desired result, meeting the limitations of claim 34.

4. Claims 1, 19-31, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Patent Application Publication WO 01/68395, WO '395 in view of United States Patent no. 6,356,236, Maeuser et al.

Regarding claims 1 and 19-31

WO '395 discloses an automotive glazing comprised of an electrically heatable solar control layer (reflects infrared radiation) with at least two data transmission windows in the coating, (abstract). The shape of the window can have different geometries, (page 5, lines 5-13). The window can be an elongated structure, (page 4, lines 21-32). As the windshield meets the structural limitations of Applicant's claimed vehicle glazing, it would be expected that the related physical properties would also be present, absent an objective showing to the contrary, meeting the limitations of claims 1 and 19-31. *MPEP 2112*. WO '395 does not specifically disclose the use of a pattern of dots in the uncoated area.

Maeuser et al disclose a coated substrate used in vehicles that is permeable to high frequency radiation, (abstract). The coated substrate has a portion of the substrate uncoated with said coating and covered with a pattern of dots.

Sauer and Maeuser et al disclose analogous inventions related to the use of a pattern of dots located in the uncoated portion of a substantially coated substrate that is used in a vehicle. It would have been obvious to one skilled in the art at the time of invention to modify the uncoated portion of Sauer with the dot patten of Maeuser in order to increase the transmission of

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the desired range of the electromagnetic spectrum, (Macuser, column 3, lines 5-54). Absent a showing of criticality with respect to the diameter of the dots (a result effective variable), it would have been obvious to a person of ordinary skill in the art at the time of the invention to adjust the size of the diameter through routine experimentation in order to achieve a vehicle glazing structure that is permeable to the desired wavelength. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980), claims 1 and 19-31.

Regarding claims 33-34

As the windshield meets the structural limitations of Applicant's claimed vehicle glazing, it would be expected that the related physical properties would also be present, absent an objective showing to the contrary, meeting the limitations of claim 33. *MPEP 2112*.

The limitation of claim 34 are steps that require nothing but the knowledge of one of ordinary skill in the art to fine tune the efficiency for the desired result, meeting the limitations of claim 34.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 19-31, and 33-34 have been considered but are moot in view of the new ground(s) of rejection as set forth above based on Applicant's claim amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Blackwell whose telephone number is (571) 272-1533. The examiner can normally be reached on Monday - Thursday; 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gwendolyn Blackwell/
Primary Examiner
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